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7 **IN THE UNITED STATES DISTRICT COURT**
8 **FOR THE WESTERN DISTRICT OF WASHINGTON**
9 **AT SEATTLE**

10 In re www.lawsociety.com

11 S.H. INC Plaintiff,

12 v.

13 THE LAW SOCIETY, United Kingdom

14 Defendant
15

) Case No: 2:10-cv-00248-MJP
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) JOINT STATUS REPORT AND PROPOSED
) DISCOVERY PLAN PURSUANT TO FRCP
) 26(f)
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17 **JOINT STATUS REPORT AND**
18 **PROPOSED DISCOVERY PLAN PURSUANT TO FRCP 26(f)**

19 Pursuant to the Court's Orders of March 8 and April 22, 2010 the Parties submit this
20 Joint Status Report.

21 Plaintiff sent a waiver of summons form to Defendant on April 13, 2010. Defendant's
22 counsel, David H. Bernstein of Debevoise & Plimpton LLP, New York, New York, returned
23 the waiver on April 15, 2010; the Waiver of Service of Summons was filed with the Court on
24 April 22, 2010, Dkt#4. Because the Defendant is a UK-based organization, and because the
25 Waiver of Service of Summons form was signed and returned, it was understood between
26 counsel that the Defendant has 90 days from April 13, 2010 to file and serve an answer.
27 Accordingly, Defendant's answer is due July 12, 2010.
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Pursuant to Rule of Civil Procedure 26(f), a case management conference was conducted on May 6, 2010 between Noah C. Davis, counsel of record for Plaintiff and David Bernstein, New York-based counsel for Defendant. Accordingly, the Parties submit the following Joint Status Report and Agreed Proposed Discovery Plan.

1. This is a dispute over a domain name, and includes claims of medium complexity.
2. This case is appropriate for mediation under Local Rule 39.1.
3. Mediation should take place by October 29, 2010.
4. The deadline for joining additional parties should be August 31, 2010.
5. Proposed Discovery Plan:

A. The FRCP 26(f) Conference took place on May 6, 2010. Initial Disclosures will be provided by July 31, 2010.

B. Subjects of Discovery:

1. Plaintiff, by and through its attorneys, Noah Davis of In Pacta PLLC will seek discovery on the following topics:

- i. All mandatory initial disclosure documents pursuant to Rule 26(a).
- ii. All facts supporting the allegations asserted in Plaintiffs' complaint and Defendant's counterclaims, if any.
- iii. All facts supporting the allegations asserted in Defendant's answer and counterclaims, if any.
- iv. All documents related to Defendant's use of domain names and its registered name (including any variations thereof).
- v. All emails and correspondence relating to Defendant's use of domain names and its registered name (including any variations thereof).
- vi. Electronically stored information relating to Defendant's use of its registered name and its domain names.

2. Defendant plans to seek discovery regarding matters including but not limited to the following general subjects:

i. All mandatory initial disclosures under FED. R. CIV. P. 26(a).

ii. All facts supporting the allegations asserted in Plaintiff's complaint and Defendant's counterclaims, if any.

iii. All documents related to Plaintiff's registration and use of the lawsociety.com domain name.

iv. All documents related to Plaintiff's knowledge of Defendant's trademark rights in the LAW SOCIETY trademark.

v. Electronically-stored information regarding Plaintiff's allegations.

C. Proposed Changes in discovery limitations:

None.

D. Minimizing Discovery Expense:

Electronically Stored Information: The parties are not aware of any issues relating to electronically stored information that warrant inclusion in this report at this time, however, Plaintiff does intend to seek discovery of all electronic records, including e-mails which relate to any claim or defense or the parties or otherwise may lead to admissible evidence. Defendant will likewise seek electronically-stored records and emails from Plaintiff. The parties will cooperate to minimize the expense of electronic discovery, including by limiting the custodians from whom electronic records will be collected and by considering appropriate key words for searching.

Privilege Claims: The parties agree that the inadvertent production of documents protected from discovery by the attorney-client privilege, the attorney work product doctrine, or any other privilege will not waive such documents' privileged and protected status, and that the notice procedure in FED. R. CIV. P. 26(b)(5)(B) for such inadvertent production shall apply.

E. Protective Orders.

At this time, the parties do not request that this Court impose any other limitations on discovery or enter any protective orders under FED. R. CIV. P. 26(c) or 16(b) or (c). The parties expect to negotiate a protective order and submit it to the Court for the Court's review and approval prior to the start of discovery.

5. This case need not be referred to a Special Master pursuant to Fed. R. Civ. P. 53.

6. The parties propose that fact discovery be completed by January 14, 2011, that expert reports be exchanged by February 11, 2011, that expert rebuttal reports be exchanged by March 11, 2011, and that expert discovery be completed by March 31, 2011.

7. The Parties do not agree to a full-time magistrate judge conducting all proceedings including trial under Local Rule MJR 13.

8. The Parties do not believe that this case should be bifurcated.

9. Pre-Trial Statements and a Pre-Trial Order should be required.

10. Counsel do not have any other suggestions for shortening or simplifying trial at this time.

11. This case will be ready for Trial on or about June 30, 2011. The dates on which trial counsel are unavailable and any other complications to be considered in setting a trial date are as follows: None.

12. The trial will be by jury.

13. The number of trial days required: 3

14. Trial counsel:

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